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RUEHKT/AMEMBASSY KATHMANDU PRIORITY 5963
RUEHLO/AMEMBASSY LONDON PRIORITY 4309
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1907
RUEHN/AMEMBASSY OSLO PRIORITY 4310
RUEHKO/AMEMBASSY TOKYO PRIORITY 3406
RUEHCG/AMCONSUL CHENNAI PRIORITY 8394
RUEHBI/AMCONSUL MUMBAI PRIORITY 5872
RUEHON/AMCONSUL TORONTO PRIORITY 0582
RUEHGV/USMISSION GENEVA PRIORITY 2668
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000272

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DEPARTMENT FOR SCA/INS

E.O. 12958: DECL: 03/17/2018

TAGS: PREL PHUM PGOV MOPS PTER CE

SUBJECT: SRI LANKA: GOVERNMENT REACTS SHARPLY TO HUMAN
RIGHTS REPORT; EMBASSY STANDS BY REPORT

REF: STATE 24302

Classified By: CLASSIFIED BY AMBASSADOR ROBERT O. BLAKE, JR. REASONS: 1.
4(b,d).

¶11. (C) SUMMARY: On March 14, Foreign Minister Rohitha Bogollagama called in the Ambassador to register strong protest to the U.S. State Department's 2007 Human Rights Report on Sri Lanka. The Minister objected to the report's sourcing and its negative conclusions, and to the State Department practice of not sharing the document beforehand with the government. The Ambassador stood by the report's conclusions. The Human Rights Ministry intends to submit a detailed response to the report. The Ambassador's subsequent, private talk with Tourism Minister Milinda Moragoda leads us to believe that the Foreign Affairs and Human Rights Ministers have not regularly shared reports of our detailed meetings on human rights with the President and his senior advisor, Basil Rajapaksa. Thus, President Rajapaksa and his two brothers, Gotabaya and Basil, were caught off-guard by the report. The GSL's vehement response to the report may also be due to a plethora of recent criticism of its human rights record, and its current effort to extend the EU's "GSP-plus" trade concessions to Sri Lanka.
End Summary.

Foreign Minister Questions HRR's Accuracy

¶12. (C) Foreign Minister Bogollagama called in the Ambassador on March 14 to register strong protest regarding the State Department's 2007 Human Rights Report on Sri Lanka. The Minister complained that GSL efforts to address human rights concerns were not reflected in the report. He said the report was "superficial" and "based on hearsay," and said the U.S. should have consulted with the GSL or shared the report before releasing it. Ambassador responded that the Embassy chooses and evaluates sources carefully, and explained the USG's worldwide policy of not sharing reports before public release.

¶3. (C) Bogollagama disputed the HRR's claim of an increase in disappearances, citing ICRC reports that numbers had gone down over 2007. Ambassador answered that we worked closely with the ICRC on fact-checking, and there was, in fact, a slight overall increase in disappearances from 2006 to 2007. The Minister objected to the use of the term "government agents" in connection with certain serious human rights abuses. Ambassador replied that the numerous disappearances and killings that took place in government-controlled areas, such as Jaffna and Batticaloa, could only have happened with the knowledge, if not the active involvement, of security forces. Bogollagama cited improvement in religious freedom, pointing to the visit of the UN Special Rapporteur on Religious Freedom, and denied any Tamil-Muslim problem in the east. Foreign Secretary Palitha Kohona, also in the meeting, stressed that the GSL takes both human rights and its important relationship with the U.S. very seriously.

¶4. (SBU) Bogollagama gave the Ambassador a three and a half page Aide Memoire (faxed to SCA/INS) entitled, "The US State Department's report on Sri Lanka is Baseless." The Foreign Ministry released the statement to the press on March 14. It opens: "The Government of Sri Lanka is disappointed and deeply concerned (about the report) which presents a distorted view of the actual situation in Sri Lanka during the year 2007. It is unfortunately a litany of unsubstantiated allegations, innuendo, and vituperative exaggerations."

Human Rights Minister Echoes
Foreign Ministry Complaints

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¶5. (U) Human Rights Minister Mahinda Samarasinghe issued a separate statement on March 15 alleging that the Human Rights report on Sri Lanka contained "numerous inaccuracies and paints a lopsided picture of the human rights situation in Sri Lanka." The Human Rights Ministry defended the GSL's record of cooperation with senior UN officials and Special Rapporteurs, but faulted the State Department report, saying it contains "sweeping generalizations and fails to adequately reflect the difficult environment in which the Government operates: namely fighting a ruthless terrorist force." Samarasinghe suggested that "a more productive and transparent way of issuing a report of this nature would have been to share a draft with the Government prior to publication, in order that the views of the Government could be taken on board and any errors emended (sic)." The Human Rights Ministry said it intended to submit a detailed response to the report to "present a more balanced version of events - one not dependent on partisan political commentary."

Tourism Minister Highlights President's Surprise...

¶6. (C) In a quiet, private meeting, Tourism Minister Milinda Moragoda told Ambassador that President Rajapaksa and his influential brothers, Gothabaya and Basil, had been caught off-guard by the report. Moragoda said he had been asked to check whether Ambassador had shared any of the principal conclusions in the report with GSL officials. Ambassador responded that he had had extensive consultations throughout the year with the Minister of Foreign Affairs as well as with Human Rights Minister Mahinda Samarasinghe. The main points in the report should therefore come as no surprise whatsoever.

¶7. (C) Moragoda noted that Defense Secretary Gothabaya Rajapaksa was upset with the reference to his exchange with the Daily Mirror editor. Ambassador responded that the report's handling of the incident was legitimate and that the editor in question had been genuinely scared. Moragoda also expressed concern that the report noted the opening of a parliamentary inquiry into the conduct of the 2005

Presidential election, specifically allegations made in Parliament that the Rajapaksas conspired with the LTTE to enforce a boycott of the election in the North and East, depriving many Tamils of their right to vote. Ambassador responded that the Human Rights Report merely repeated a factual statement.

...And Recommends a New Human Rights Consultation Mechanism

¶ 8. (C) Moragoda reported that he had told Gothabaya and Basil Rajapaksa that there needed to be a more systematic dialogue with the U.S. on human rights issues. He recalled that in 1989-93 period, when human rights abuses were even worse, the U.S. Ambassador and DCM met regularly with the President's Chief of Staff, Bradman Weerakoon. Moragoda suggested a regular dialogue on human rights between the U.S. Embassy and the Defense Ministry led by someone who has Gothabaya Rajapaksa's confidence. He reported that he, Presidential Chief of Staff Lalith Weeratunga and Treasury Secretary P.B. Jayasundera planned to meet soon to discuss

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setting up a consultation mechanism.

¶ 9. (C) Ambassador replied that such a mechanism would be welcome, but that the Embassy preferred that this dialogue be kept private. We were definitely not interested in participating in another vehicle the GSL would publicize and try to exploit to show action on human rights, Ambassador noted. He stressed that what is needed now is not more empty "process" but real action to address real human rights

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problems, especially disappearances and extrajudicial killings, child soldiers, and impunity (i.e. the lack of investigation and punishment for human rights abusers). Ambassador told Moragoda that a good place to start would be to punish those responsible for the "Trinco 5" and ACF massacres in 2006, two of the most high profile cases now being considered by the Commission of Inquiry. Ambassador also noted deep U.S. concern about child soldiers and recurring attacks on media freedom.

Embassy Counters MFA Press Release

¶ 10. (U) In anticipation of the MFA press release, Embassy issued a press statement on March 14 and called select newspaper editors to clarify that: we stand by the report; our goal is always to be fair and objective; we welcome information from the government and other parties to correct what they perceive to be inaccuracies; we look forward to continued dialogue with the government to address human rights concerns in Sri Lanka. Most newspapers and electronic media outlets, with the exception of the government-controlled press, reported our clarification in the same news cycle as the MFA statement.

¶ 11. (C) COMMENT: The level of candor and detail in the 2007 report is, in our view, appropriately commensurate with the rise in serious human rights violations that have occurred in 2006 and 2007, since the current government came into office.

There are several reasons, including external factors, that explain why the government has reacted so sharply. First, it is entirely possible that the Foreign Affairs and Human Rights Ministers -- reluctant to share bad news with the Presidential staff -- have not regularly briefed the President and his senior advisor, Basil Rajapaksa, on our detailed meetings on human rights. Second, the State Department report came after several days of bad news for the GSL on the human rights front, with many independent organizations releasing equally damning reports timed to coincide with the March session of the Human Rights Council in Geneva. Finally, the timing was especially unfortunate

for the GSL, which was receiving an EU trade team that week to discuss the possible extension of the EU's "GSP-plus" concessions to Sri Lanka, which are in jeopardy largely because of human rights concerns.

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